

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

FILED

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AUG 23 2005

IN RE: THE MATTER OF A COMMISSION
INVESTIGATION ON ITS OWN MOTION
REGARDING OPERATION OF UTILITY
CENTER, INC.'S WATER AND SEWAGE
TREATMENT FACILITIES IN ALLEN
COUNTY, INDIANA

) INDIANA UTILITY
) REGULATORY COMMISSION
) CAUSE NO. 41187
)
)

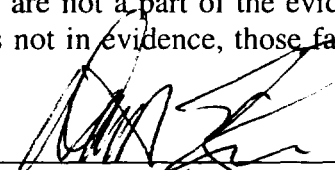
You are hereby notified that on this date the Indiana Utility Regulatory Commission has caused the following entry to be made:

On July 29, 2005, the City of Fort Wayne ("Fort Wayne" or the "City") filed a *Petition to Reopen the Proceeding and Reply to Utility Center's Response to City of Fort Wayne's Proposed Order and Brief in Support of Interconnection Agreement and Utility Center's Correction to its Response*. On August 5, 2005 the Utility Center filed its *Response to Fort Wayne's Petition to Reopen the Proceeding and Reply to Utility Center's Response to City of Fort Wayne's Proposed Order and Brief in Support of Interconnection Agreement and Utility Center's Correction to its Response*. On August 9, 2005, Fort Wayne filed its *Submission of Supplemental Verification of Previously Filed Petition to Reopen Proceeding* in the above referenced Cause.

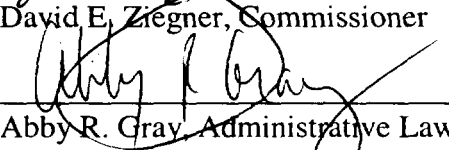
The City requests the Commission reopen the record in this Cause on the basis that Utility Center refers to facts in its proposed order that occurred after the evidentiary hearing date. Utility Center's response states that the Petition to Reopen must fail on procedural grounds in that it does not comply with the Commission rule requiring a petition to reopen the record be verified or supported by affidavit, and also that it fails to comply with the Commission rule requiring such petitions be based on material changes in fact. The City then filed its verification.

Based on the Petition and Response, the presiding officers now find that nothing contained in the Petition to Reopen the Record compels us to reopen the record in this Cause and therefore should be denied. Proposed orders are not a part of the evidence in this Cause and to the extent any proposed order refers to facts not in evidence, those facts will not be considered when making a decision in this Cause.

IT IS SO ORDERED.



David E. Ziegner, Commissioner



Abby R. Gray, Administrative Law Judge

Dated: August 23, 2005